

To keep you up-to-date with the latest legal and economic developments, this newsletter prepared by our Team provides information that may affect the operation of your business in Albania.

The Draft Law "On Foreigners"

A draft law "*On Foreigners*" has been prepared by the Ministry of Interior in cooperation with the Ministry for Europe and Foreign Affairs and the Ministry of Finance and Economy, aiming to continuously improve the legislative framework on migration and further aligning migration legislation with the EU acquis and international conventions in the framework of the EU integration process.

After its publication for public consultation on 07.12.2020, the draft law was submitted to the Parliament on 11.02.2021 to undergo the parliamentary review and adoption process. The draft law establishes more relaxed rules on migration as well as addresses the gaps that have existed in Albanian legislation by introducing some novelties, so that to improve the regime of entry, stay, work and exit of foreigners in/from the Republic of Albania.

The draft law "On foreigners" aims to embrace a good migration governance. It has incorporated provisions to improve the rights of foreigners, in terms of protection of migrants and their family members, refugees as well as asylum seekers. It guarantees access to integration programs and

services for foreigners, the possibility of better provision of information, facilitated procedures for obtaining a residence permit, as well as the institutional strengthening for the effective provision of migration services.

Further, the draft law is in line with the latest developments regarding the adoption of the new migration and asylum pact of the European Union, as the management of irregular migration comprises one of the most sensitive issues nowadays, especially the return policies.



Draft Law Novelties

1. ***The unique permit:*** guarantees a single application procedure, for a single permit, for foreigners intending to work and stay in the territory of the Republic of Albania. Unique permits are issued for different reasons/motives i.e. for work purposes, vocational training, voluntary service, investment purposes etc. The criteria for granting a unique permit are different, depending on the motives for which it will be issued.
2. ***Au pairs residence permit:*** provides for the foreigners aged 18-30, the opportunity to obtain a residence permit for au pairs (childcare and housework in an Albanian host family).
3. ***Residence permit for job search or entrepreneurship for researchers and students:*** foreign researchers and students after completing the research or studies, have the opportunity to stay in the territory of the Republic of Albania, for at least 9 months, in order to look for work or to start a business.
4. ***Residence permit for stateless persons:*** guarantees a legal stay in Albania for this category, after meeting the legal requirements.
5. ***Residence permit for retirees:*** provides foreign nationals who are retired in their home country, the opportunity to apply for a residence permit for retirees, if they prefer Albania as a destination to live, with a term of up to 1 year, for the first time and renewable every year. This permit does not entitle the retirees to conduct any kind of economic or professional activity. The retiree is entitled to request a resident permit for family reunification for his/her spouse or partner not in retirement.
6. ***Residence permit for digital mobile employees:*** it is issued to foreign nationals who do not work in a fixed location and their work is mainly mobile work and the main means of work are the tools of information technology. The residence permit is granted with a term of up to 1 year, for the first time.
7. ***Temporary residence permit for exploitation of immovable property located in the Republic of Albania:*** can be granted to a foreign citizen who proves the ownership of such immovable property. Although, this is not a new type of residence permit and is currently granted by the authorities, the new law formalizes this type of permit.

BOGA & ASSOCIATES

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Benchmark Litigation Europe 2021: Top Ranked in Dispute Resolution

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Boga & Associates

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